

10/506721

PATENT COOPERATION TREATY

Applicants : Richard MARTIN, Jeffrey D. KAHL, Brenton T. FLATT, and Ronald GRIFFITH
Int'l Application No. : PCT/US03/06793
U.S. Application No. : 10/506,721
Int'l Filing Date : March 4, 2003
Title : QUINAZOLINONE MODULATORS OF NUCLEAR RECEPTORS

Docket No. : 980049.402USPC
Date : December 16, 2005

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

12/21/2005 ATRAN1 00000132 10506721

01 FC:1462

400.00 OP

RECEIVED
28 FEB 2006
Legal Staff
International Division

PETITION FOR RECONSIDERATION

Commissioner for Patents:

Applicants hereby request reconsideration of the decision in the Response to Applicants' Request for Refund, mailed May 13, 2005 (hereafter "Decision"), dismissing without prejudice Applicants' Request for Excess Claim Fee Refund, which was filed via facsimile January 21, 2005 (hereinafter "Request"). The Request was dismissed on the ground that Applicants authorized the Director to charge Applicants' Deposit Account 19-1090 for the excess claim fees in the amount of \$11,070 and for the multiple dependent claim fee in the amount of \$145. For the following reasons, Applicants respectfully assert this is not an accurate statement, and respectfully request a refund of the total amount erroneously charged (\$11,215).

The above-identified patent application was filed on September 7, 2004, in the PCT branch of the U.S. Patent and Trademark Office (hereinafter "USPTO") as a U.S. national

phase application in accordance with 35 U.S.C. § 371. As indicated on the accompanying transmittal letter (copy is attached hereto), Applicants claimed small entity status for the application and paid the required basic national filing fee of \$460.00 and the surcharge of \$65.00 for a late submission of the Declaration of Inventorship. These fees were paid by check (copy of the canceled check, No. 29448, in the amount of \$525.00 is attached hereto). No other fees were indicated in the accompanying transmittal letter as being paid. The accompanying transmittal letter authorized the Commissioner to charge "any additional fees which may be required" to Deposit Account No 19-1090.

Contrary to the conclusion in the Decision, Applicants did not authorize the payment of any excess claim fees in the accompanying transmittal letter. Applicants submit that the payment of excess claim fees was not required when the above-identified application was actually filed in the PCT branch (on September 7, 2004). The only required fee at the time the application was actually filed in the PCT branch was, and still is, the basic national filing fee (see 37 CFR 1.495 (July 1, 2004), which explicitly states that in order to avoid the abandonment of an international application upon entering the U.S. national phase, the applicant must furnish to the USPTO a copy of the international application and the basic national filing fee). Furthermore, 37 CFR 1.492 explicitly states that if additional fees are not paid on the presentation of the claims for which additional fees are due (such as additional fees for independent claims over 3, for total claims over 20 and for multiple dependent claims), the additional fees must be paid prior to the expiration of the time period set for reply by the Office in any notice of fee deficiency. In other words, if additional claim fees are not paid at the time of filing of an international application in the PCT branch, the USPTO is required to mail a notice of fee deficiency (otherwise known as a *Notice of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office*). Upon receipt of the notice of fee deficiency the applicant may then pay the additional fees based on the claims as filed, or file a preliminary amendment to reduce the number of claims, and then pay the additional fees based on the amended claim set. Applicants note that the basic national filing fee is not one of the fees under 37 CFR 1.492 in which payment can be postponed until after receiving the notice of fee deficiency from the USPTO. Thus, the only required fee that absolutely has to be paid at the time of filing of an

international application in the PCT branch of the USPTO is the basic national filing fee. All other fees are not required at the time of filing in that they can be paid at a later date. Accordingly, the authorization in the transmittal letter to charge "any additional fees which may be required" was not an authorization to charge the excess claim fees from the Deposit Account, especially since it was clear from the face of the transmittal letter than no additional claim fees were being paid at that time (check #29448 was only for the basic national filing fee and the surcharge for submitting the declaration of inventorship at a later date). Applicants therefore submit that the Director improperly, and without authorization, charged the excess claim fees at the time of filing of the above-identified international application in the PCT branch of the USPTO.

Applicants further note that the Director did not provide any notice to the Applicants that the unauthorized excess claim fees had been charged to the Deposit Account, not even in the *Notice of Missing Requirements* that was eventually received by Applicants (for the submission of the missing declaration of inventorship). Applicants became aware that the excess claim fees had been erroneously charged when Applicants reviewed an accounting of the Deposit Account and noticed the \$11,070 charge and the \$145.00 charge. This discovery prompted the Applicants to file the Request (as noted above). While the Applicants were waiting for the decision on the Request, the due date for submitting the declaration of inventorship was fast approaching. Applicants proceeded with the assumption that the unauthorized charge of the excess claim fees would be refunded and on March 21, 2005, submitted the missing declaration of inventorship, along with a Preliminary Amendment to reduce the number of claims in the application and to eliminate multiple dependencies. A check in the amount of \$3,050 was submitted to pay for the excess claim fees based on the number of claims in the amended claim set (a copy of Check # 31216 is attached). The excess claim fees were paid under the new excess claim fees, which went into effect on December 8, 2004. The Decision denying the request for the refund of the improperly charged excess claim fees was received by the Applicants on May 13, 2005.

At the time that this application was filed, Applicants fully expected to pay the appropriate excess claim fees after receiving the *Notice of Missing Requirements*. This was

clearly the intent of Applicants' lack of payment for any excess claim fees in the accompanying transmittal letter, as indicated by Applicants' later filing of the Preliminary Amendment on March 21, 2005, and Applicants' payment of the excess claim fees in force at the time the Preliminary Amendment was filed.

Applicants note that the Decision quoted MPEP 1893.01 in supporting the decision to dismiss the request for the refund. This MPEP section essentially states that once claim fees have been paid, no refund will be made if a preliminary amendment is filed to reduce the number of claims. Applicants do not dispute this practice. What Applicants do dispute is that the excess claim fees that were "paid" in the instant application were paid without authorization. This is an entirely different issue than what is addressed by MPEP 1893.01. Accordingly, Applicants submit that MPEP 1893.01 does not support the decision to deny the request for the refund of the excess claim fees which were charged to Deposit Account No. 19-1090 without authorization.

On the other hand, Applicants submit that 37 CFR 1.26 provides support for Applicants' request for a refund and for the Director to refund the excess claim fees erroneously charged to Applicants' Deposit Account. 37 CFR 1.26 explicitly states that the "Director may refund any fee paid by mistake or in excess of that required". For the reasons set forth above, Applicants submit that the payment of the excess claim fees was without authorization and therefore constituted payment of fees by mistake. Thus, in a situation like this, which is different from the situation contemplated by MPEP 1893.01, it is perfectly allowable for an applicant to request a refund of fees paid by mistake and for the Director to refund such fees, provided, however, that the applicants request the refund within the allotted two-year time period from when the fees were paid by mistake, as set forth in 37 CF 1.26(b). Applicants submit that Applicants filed the Request for the Refund within this two-year time period (the excess claim fees were erroneously charged to Deposit Account No. 1090 on January 19, 2005, and the Request was filed on January 21, 2005). Accordingly, Applicants submit that the Request clearly met the requirements set forth in 37 CFR 1.26(b).

Applicants note that after receiving the Decision, the undersigned attorney repeatedly tried to contact Ms. Debra S. Brittingham of the PCT Legal Office, whose signature

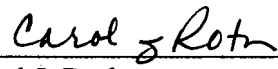
appeared on the Decision, to discuss the Decision and the reasons for denying the Request and to request a reversal of the decision. Ms. Brittingham was finally contacted on September 12, 2005. Ms. Brittingham stressed that Applicants authorized the payment of the excess claim fees in the transmittal letter, noting that Applicants did not file a Preliminary Amendment at the time of filing in order to reduce the number of claims prior to the payment of the excess claim fees (this statement is repeated in the Decision), and therefore the excess claim fees would not be refunded. For the reasons set forth in detail above, the undersigned attorney contended that the authorization provided in the transmittal letter did not include an authorization to pay the excess claim fees. Furthermore, the undersigned attorney insisted that Applicants were not required (as Ms. Brittingham strongly contended and as the Decision implied) to file a Preliminary Amendment at the time the international application was filed with the PCT branch of the USPTO in order to reduce the number of claims prior to the calculation of the excess claim fees. The undersigned attorney pointed out that it was standard practice for applicants to submit such a Preliminary Amendment and to pay the excess claim fees after receiving the *Notice of Missing Requirements*. Ms. Brittingham's refusal to reverse the Decision in light of this discussion resulted in the filing of this Petition.

Accordingly, for the reasons set forth above, Applicants respectfully request that this Petition be granted and that the Decision denying the request for a full refund of the excess claim fees erroneously charged to Deposit Account No. 19-1090 be reversed and that a refund in the amount of \$11,215 be deposited in Deposit Account No. 19-1090.

Respectfully submitted,

Richard Martin et al.

SEED Intellectual Property Law Group PLLC



Carol J. Roth
Registration No. 32,783

Enclosures:

Request for Excess Claim Fee Refund
Decision on Request
Transmittal Letter for filing application in the PCT Branch of the USPTO
Canceled Check #29448 in the amount of \$525.00
Canceled Check #31216 in the amount of \$3,050.00

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

613027_2

TRANSMITTAL FORM (To be used for all correspondence after initial filing)	Application Number	10/506,721
	International Filing Date	March 4, 2003
	First Named Inventor	Richard Martin
	Art Unit	
	Examiner Name	
	Attorney Docket No.	980049.402USPC

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement and Transmittal <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (<i>please identify below</i>): • Copy of Request for Excess Claim Fee Refund • Copy of Decision on Request • Copy of Transmittal Letter for filing application in the PCT Branch of the USPTO • Copy of Canceled check #29448 in the amount of \$525.00 • Copy of Canceled check #31216 in the amount of \$3,050.00
Remarks Petition for Reconsideration		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Seed Intellectual Property Law Group PLLC		Customer Number 40211
Signature	<i>Carol J. Roth</i>		
Printed Name	Carol J. Roth		
Date	December 16, 2005	Reg. No.	32,783

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Signature	~~ Sent via Express Mail ~~	
Typed or printed name		Date:

PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision)	<i>Application Number</i>	10/506,721	
	<i>International Filing Date</i>	March 4, 2003	
	<i>First Named Inventor</i>	Richard Martin	
	<i>Art Unit</i>		
	<i>Examiner Name</i>		
Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450		<i>Attorney Docket Number</i>	980049.402USPC

Enclosed is a petition filed under 37 CFR 1.182 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$400.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 19-1090:
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments.
 Enclose a duplicate copy of this form for fee processing.

☒ Check in the amount of \$400.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

§ 1.36(a) for revocation of a power of attorney by fewer than all applicants.
 § 1.53(e) – to accord a filing date.
 § 1.57(a) – to accord a filing date.
 § 1.182 – for decision on a question not specifically provided for.
 § 1.183 – to suspend the rules.
 § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
 § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

§ 1.12 – for access to an assignment record.
 § 1.14 – for access to an application.
 § 1.47 – for filing by other than all the inventors or a person not the inventor.
 § 1.59 – for expungement of information.
 § 1.103(a) – to suspend action in an application.
 § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
 § 1.295 – for review of refusal to publish a statutory invention registration.
 § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
 § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
 § 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
 § 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
 § 5.12 – for expedited handling of a foreign filing license.
 § 5.15 – for changing the scope of a license.
 § 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

§ 1.19(g) – to request documents in a form other than that provided in this part.
 § 1.84 – for accepting color drawings or photographs.
 § 1.91 – for entry of a model or exhibit.
 § 1.102(d) – to make an application special.
 § 1.138(c) – to expressly abandon an application to avoid publication.
 § 1.313 – to withdraw an application from issue.
 § 1.314 – to defer issuance of a patent.

Carol J. Roth
Signature

Carol J. Roth
Typed or printed name

December 16, 2005
Date

32,783
Registration No., if applicable

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

725718_1.DOC

PATENT COOPERATION TREATY

Applicants : Richard Martin et al.
Int'l Application No. : PCT/US03/06793
U.S. Application No. : 10/506,721
Int'l Filing Date : March 4, 2003
Title : QUINAZOLINONE MODULATORS OF NUCLEAR
RECEPTORS

COPY

Docket No. : 980049.402USPC
Date : January 21, 2005

VIA FACSIMILE (703) 308-5077
Refund Branch
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR EXCESS CLAIM FEE REFUND

Commissioner for Patents:

As is reflected by the enclosed Deposit Account Statement, two separate charges for excess claim fees, \$11,070 and \$145 (**for a total amount of \$11,215**), were erroneously charged for the above-identified patent application to Deposit Account No. 19-1090 on January 19, 2005. For the reasons set forth below, Applicants respectfully request that the Patent and Trademark Office **refund this amount in full by crediting** the total sum of \$11,215.00 to Deposit Account No. 19-1090, referencing Attorney Docket No. 980049.402USPC.

The above-identified patent application was filed on September 7, 2004, with the PCT branch of the United States Patent Office as a U.S. national phase application under 35 USC. 371. As indicated on the corresponding transmittal letter (copy of which is attached hereto), Applicants claimed small entity status for the application and paid the **required** national filing fee of \$460.00 and the surcharge fee of \$65.00 (for late

Express Mail No.: EV529/83546US
International Application No.: PCT/US03/06793
International Filing Date: March 4, 2003
Request for Refund

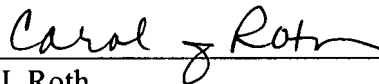
submission of the Declaration of Inventorship) by check (see copy of cancelled check No. 29448 in the amount of \$525.00). No authorization was provided in the transmittal letter to charge Deposit Account No. 19-1090 with any additional fees **which were not required in order to obtain the filing date for the application**. The only **required** fee per 37 CFR 1.495 to establish entry into national phase is the basic national filing fee (which, in this case, was \$460 for a small entity). Consequently, the authorization given to the Commissioner in the transmittal letter to charge the Deposit Account with any additional fees "which may be **required**" did not authorize the Commissioner to charge the Deposit Account with any excess claim fees, which were not **required**.

Accordingly, Applicants respectfully request that the United States Patent and Trademark office **refund in full** the total amount of \$11,215, which was erroneously charged to Deposit Account No. 19-1090, by **crediting** the total amount to Deposit Account No. 19-1090 at the earliest possible date.

Respectfully submitted,

Richard Martin et al.

SEED Intellectual Property Law Group PLLC



Carol J. Roth

Registration No. 32,783

CJR:cw

Enclosures:

- Copy of Transmittal Letter submitted 09/07/04
- Copy of Returned Postcard
- Copy of Check #29448 submitted with 09/07/04 filing of application
- Copy of Cleared Check
- Copy of Deposit Account Statement

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031



10 MAY 2005
UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

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Carol J. Roth
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Seattle, Washington 98104-7092

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MAY 13 2005

SEED INTELLECTUAL PROPERTY
LAW GROUP PLLC

In re Application of
Martin, et al.
Application No.: 10/506,721 ✓
PCT No.: PCT/US03/06793
Int. Filing Date: 04 March 2003
Priority Date: 07 March 2002
Attorney's Docket No.: 980049.402USPC ✓
For: QUINAZOLINONE MODULATORS OF
NUCLEAR RECEPTORS

RESPONSE

This is in response to applicant's request to refund \$11,215, filed 22 March 2005.
Applicant urges that the extra claim fees were charged in error.

BACKGROUND

On 04 March 2003, applicants filed international application PCT/US03/06793 which claimed priority to a United States provisional application which was filed 07 March 2002. A copy of the international application was communicated from the International Bureau on 18 September 2003. Accordingly, the thirty-month period for paying the basic national fee in the national stage in the United States expires at midnight on 07 September 2004.

On 07 September 2004, applicant filed a transmittal letter including, *inter alia*, a check for \$525 which included the basic national fee of \$460 and the \$65 fee for providing the oath/declaration after 30 months from the earliest priority date, as well as authorization to charge applicant's deposit account #19-1090 any additional fees that may be required. These papers were assigned U.S. application number 10/506,721.

On 19 January 2005, the United States Patent and Trademark Office charged applicant's deposit account an additional \$11,070 and \$145 for additional claim fees.

On 22 March 2005, applicant filed the current request for refund indicating that the fees charged on 19 January 2005 were charged in error.

DISCUSSION

As indicated above, the transmittal letter (Form PTO-1390) included a general authorization to charge "any additional fees that may be required." Extra claims fees are required for claims presented in excess of 20. See MPEP 607. Contrary to Petitioner's assertion, the general deposit account authorization provided in Form PTO-1390 was not limited to "fees required in order to obtain a filing date for the application."¹

MPEP 1893.01 states, in part:

A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that cancels claims and/or eliminates multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(b)-(c) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(d). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. See MPEP § 607 and § 608.

A review of the application finds that on filing of the application, applicant included several multiple dependent claims. Applicant did not include a preliminary amendment reducing the number of claims. Therefore, applicant was charged the proper fees.

CONCLUSION

For the above reasons, the request for refund is **DISMISSED without prejudice**.

¹ Moreover, since the actual filing date of a US national stage application is its international filing date, (see 35 U.S.C. 363), a deposit account authorization limited to charging fees necessary to obtain a filing date would have no practical benefit.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Debra S. Brittingham
PCT Special Programs Examiner
PCT Legal Office



Boris Milef
PCT Legal Examiner
PCT Legal Office

DSB/BM:dsb

Telephone: (571) 272-3280

Facsimile: (571) 273-0419

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE
(REV 10-2003)

ATTORNEY'S DOCKET NO.

980049.402USPC

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.
PCT/US03/06793INTERNATIONAL FILING DATE
March 4, 2003PRIORITY DATE CLAIMED
March 7, 2002

TITLE OF INVENTION

QUINAZOLINONE MODULATORS OF NUCLEAR RECEPTORS

APPLICANT(S) FOR DO/EO/US

Richard MARTIN, Jeffery D. KAHL, Brenton T. FLATT, and Ronald GRIFFITH

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

COPY

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 – 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. PCT/US03/06793	ATTORNEY'S DOCKET NUMBER 980049.402USPC
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<p>21. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$730.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00</p> <p style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</p> <p>Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">Claims</th> <th style="width:20%;">Number Filed</th> <th style="width:20%;">Number Extra</th> <th style="width:20%;">Rate</th> <th style="width:20%;"></th> </tr> <tr> <td>Total Claims</td> <td>- 20 =</td> <td></td> <td>x \$ 18.00</td> <td>\$.00</td> </tr> <tr> <td>Independent Claims</td> <td>- 3 =</td> <td></td> <td>x \$ 86.00</td> <td>\$.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$290.00</td> <td>\$.00</td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$.00</td> </tr> </table> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.</p> <p style="text-align: right;">SUBTOTAL =</p> <p>Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</p> <p style="text-align: right;">TOTAL NATIONAL FEE =</p> <p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</p> <p style="text-align: right;">TOTAL FEES ENCLOSED =</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;"></td> <td style="width:20%; text-align: center;">Amount to be refunded:</td> <td style="width:20%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">Charged:</td> <td></td> </tr> </table>	Claims	Number Filed	Number Extra	Rate		Total Claims	- 20 =		x \$ 18.00	\$.00	Independent Claims	- 3 =		x \$ 86.00	\$.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$.00	TOTAL OF ABOVE CALCULATIONS =				\$.00		Amount to be refunded:			Charged:		<p style="text-align: center;">CALCULATIONS PTO USE ONLY</p>
Claims	Number Filed	Number Extra	Rate																													
Total Claims	- 20 =		x \$ 18.00	\$.00																												
Independent Claims	- 3 =		x \$ 86.00	\$.00																												
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$.00																												
TOTAL OF ABOVE CALCULATIONS =				\$.00																												
	Amount to be refunded:																															
	Charged:																															

a. ☒ A check in the amount of **\$525** cover the above fees is enclosed.

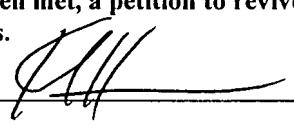
b. ☐ Please charge my Deposit Account No. **19-1090** in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **19-1090**. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

<p>Karl R. Hermanns Seed Intellectual Property Law Group PLLC 701 5th Avenue, Suite 6300 Seattle, WA 98104-7092 United States of America (206) 622-4900</p>	<p style="text-align: center;"></p> <p>SIGNATURE</p> <p><u>Karl R. Hermanns</u> NAME</p> <p><u>33,507</u> REGISTRATION NUMBER</p>
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EV561558896US

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
PTO ACCOUNT

EXPRESS MAIL NO. EV449563039US
29448

12061 622-4900
701 5TH AVE STE 6300
SEATTLE, WA 98104-7043

DATE September 7, 2004 192/150 WA 03/09

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DOLLARS

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Commercial Banking
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09-13-2004

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(206) 622-4900
701 5TH AVE. STE. 6300
SEATTLE, WA 98104-7043

Express Mail No. EV449564167US
980049.402USPC

31216

DATE March 21, 2005

19-2/1250 WA
91926

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*** ** Three Thousand Fifty and no/100 *** ** DOLLARS

Bank of America

King County Middle Mkt Banking
Washington



Carol J. Roten

⑈031216⑈ ⑆125000024⑆ 69048 817⑈

⑈0000305000⑈

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03-25-2005
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T-0020 TRC-0020 PK=

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VS DATE 03/30/05
P26 E C 068 NA

0850393967

0310000114
HACHOVIA NA SVC071 5388T
PHILA, PA 03202005 16PK

1011017022

Request for Legal Staff Consideration

Serial No.

101506721

Date:

02/25/06

Request:

☐

Petition To Revive Unintentionally Abn. Appl.

☐

Petition under Rule 1.47

☒

Other:

Enclosed is a petition for
re-consideration.

Requestor:

W. Alvarado

Supervisor:

JONNA GREENE

Response:

By:

RECEIVED

28 FEB 2006

Legal Staff
International Division

Date:

RECEIVED

Legal Staff
International Division

Request for Legal Staff Consideration

Serial No.

10/506721

Date:

03.22.05

Request:

☐

Petition To Revive Unintentionally Abn. Appl.

☐

Petition under Rule 1.47

☐

Other:

Enclosed is a request for a refund of \$11,215.
This application was submitted on 7 Sep. 04, and I processed
it on 18 Jan 05. After calculating the claims I charged the
applicant's deposit account \$11,215. This fee included payment
for 14 multiple claims of \$3 and multiple dependant
claim fee. Recently we, the paralegals, had received a
directive to ^{charge} all outstanding fees pertaining to an
application. I had the authorization to charge
any additional fees which may be required. I don't
have a preliminary amendment.

Requestor:

Winston Alvarez
National State Prosecution
Paralegal Specialist

Supervisor:

Donna

Response:

See memo

Date:

RECEIVED

International Division

Rec'd PCT/PTO 22 MAR 2005 001

10/506721

Seed^{IP}

March 22, 2005

Facsimile Transmission

To: Examiner Winston Alvarado / U.S. Patent and Trademark Office

Fax No: (703) 746-6702

Phone No:

Re: Richard Martin et al., U.S. National Stage Application No. 10/506,721,
based upon International Application No. PCT/US02/06793,
International Filing Date of March 4, 2003, for QUINAZOLINONE
MODULATORS OF NUCLEAR RECEPTORS

Your Ref:

Seed IP Ref: 980049.402USPC

No. of Pages: 11 (including this page)

If you do not receive all pages, please call Carol Williams at (206) 622-4900 or fax our office.

☐ Urgent☐ For Review☒ Please Confirm
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Comments:

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TRANSMITTAL FORM <i>(To be used for all correspondence after initial filing)</i>	Application Number	10/506,721
	Filing Date	U.S. National Stage of PCT/US03/06793 filed March 4, 2003
	Art Unit	
	Examiner Name	
	Attorney Docket No.	980049.402USPC

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to TC (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Other Enclosures (please identify below): ■ <u>Copy of Transmittal Letter submitted 08/07/04</u> ■ <u>Copy of returned postcard</u> ■ <u>Copy check #29448</u> ■ <u>Copy of cleared check</u> ■ <u>Copy of deposit account statement</u>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Seed Intellectual Property Law Group PLLC		Customer Number 00500
Signature	<i>Carol J. Roth</i>		
Printed Name	Carol J. Roth		
Date	January 21, 2005	Reg. No.	32,783

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Signature	<i>Carol Williams</i>	
Typed or printed name	Carol Williams	Date: January 21, 2005

554378_1.DOC

PATENT COOPERATION TREATY

Applicants : Richard Martin et al.
Int'l Application No. : PCT/US03/06793
U.S. Application No. : 10/506,721
Int'l Filing Date : March 4, 2003
Title : QUINAZOLINONE MODULATORS OF NUCLEAR
RECEPTORS

Docket No. : 980049.402USPC

Date : January 21, 2005

VIA FACSIMILE (703) 308-5077
Refund Branch
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR EXCESS CLAIM FEE REFUND

Commissioner for Patents:

As is reflected by the enclosed Deposit Account Statement, two separate charges for excess claim fees, \$11,070 and \$145 (**for a total amount of \$11,215**), were erroneously charged for the above-identified patent application to Deposit Account No. 19-1090 on January 19, 2005. For the reasons set forth below, Applicants respectfully request that the Patent and Trademark Office **refund this amount in full by crediting** the total sum of \$11,215.00 to Deposit Account No. 19-1090, referencing Attorney Docket No. 980049.402USPC.

The above-identified patent application was filed on September 7, 2004, with the PCT branch of the United States Patent Office as a U.S. national phase application under 35 USC. 371. As indicated on the corresponding transmittal letter (copy of which is attached hereto), Applicants claimed small entity status for the application and paid the **required** national filing fee of \$460.00 and the surcharge fee of \$65.00 (for late

Express Mail No.: EV529783546US
International Application No.: PCT/US03/06793
International Filing Date: March 4, 2003
Request for Refund

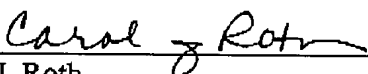
submission of the Declaration of Inventorship) by check (see copy of cancelled check No. 29448 in the amount of \$525.00). No authorization was provided in the transmittal letter to charge Deposit Account No. 19-1090 with any additional fees **which were not required in order to obtain the filing date for the application**. The only **required** fee per 37 CFR 1.495 to establish entry into national phase is the basic national filing fee (which, in this case, was \$460 for a small entity). Consequently, the authorization given to the Commissioner in the transmittal letter to charge the Deposit Account with any additional fees "which may be **required**" did not authorize the Commissioner to charge the Deposit Account with any excess claim fees, which were not **required**.

Accordingly, Applicants respectfully request that the United States Patent and Trademark office **refund in full** the total amount of \$11,215, which was erroneously charged to Deposit Account No. 19-1090, by **crediting** the total amount to Deposit Account No. 19-1090 at the earliest possible date.

Respectfully submitted,

Richard Martin et al.

SEED Intellectual Property Law Group PLLC


Carol J. Roth
Registration No. 32,783

CJR:cw

Enclosures:

Copy of Transmittal Letter submitted 09/07/04
Copy of Returned Postcard
Copy of Check #29448 submitted with 09/07/04 filing of application
Copy of Cleared Check
Copy of Deposit Account Statement

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE INTERNATIONAL TRADEMARK OFFICE (REV. 10-2003)		1 ess Mail No. EV449563039US
COPY TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NO. 980049.402USPC
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/US03/06793	INTERNATIONAL FILING DATE March 4, 2003	PRIORITY DATE CLAIMED March 7, 2002
TITLE OF INVENTION QUINAZOLINONE MODULATORS OF NUCLEAR RECEPTORS		
APPLICANT(S) FOR DO/EO/US Richard MARTIN, Jeffery D. KAHL, Brenton T. FLATT, and Ronald GRIFFITH		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information: 		

COPY

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. PCT/US03/06793	ATTORNEY'S DOCKET NUMBER 980049.402USPC
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21. ☒ The following fees are submitted:

Basic National Fee (37 CFR 1.492(a)(1)-(5)):

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$730.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

				CALCULATIONS PTO USE ONLY	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$920.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(c)).				\$130.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20 =		x \$ 18.00	\$.00	
Independent Claims	- 3 =		x \$ 86.00	\$.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$290.00	\$.00
TOTAL OF ABOVE CALCULATIONS =				\$.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$.00	
SUBTOTAL =				\$525.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$.00	
TOTAL NATIONAL FEE =				\$525.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$.00	
TOTAL FEES ENCLOSED =				\$525.00	
				Amount to be refunded:	
				Charged:	

a. ☒ A check in the amount of **\$525** cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 19-1090 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-1090. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Karl R. Hermanns
Seed Intellectual Property Law Group PLLC
701 5th Avenue, Suite 6300
Seattle, WA 98104-7092
United States of America
(206) 622-4900

SIGNATURE _____

NAME
Karl R. Hermanns

33.507
REGISTRATION NUMBER

COPY

511543 L.DOC

Express Mail No. ~~EV449563039~~US

980049-402USPC

Filing Date
StampMail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CJR:cw H/H

SENT: September 7, 2004
DUE: September 7, 2004
NEW 371 APPLICATIONPLEASE STAMP WITH APPLICATION NO. AND RETURNKindly acknowledge receipt of the below-listed documents by placing
your receiving stamp hereon and mailing:Check No. 29448 for \$525; Form PTO-1390 (2 pages + copy);
Application Data Sheet (6 pages); Conversion of PCT/US03/06793,
International Filing Date of March 4, 2003, in re: Richard Martin
et al., Entitled "QUINAZOLINONE MODULATORS OF
NUCLEAR RECEPTORS", into U.S. National Stage.
511544_1.DOCApplication
Number

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC

DT08 Rec'd PCT/PTO 07 SEP 2004

SK

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 PTO ACCOUNT
 (206) 622-4900
 701 5TH AVE. STE. 6300
 SEATTLE, WA 98104-7043

980049.402USPC

29448

DATE September 7, 2004

19-2/1250 WA
35700

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DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

525.00

***** Five Hundred Twenty-Five and no/100 *****

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Bank of America

Commercial Banking
Washington

⑆029448⑆⑆125000024⑆69048 817⑆

NON-NEGOTIABLE

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
 PTO ACCOUNT
 SEATTLE, WA 98104-7043

DETACH AND RETAIN THIS STATEMENT
 THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW
 IF NOT CORRECT, PLEASE NOTIFY US PROMPTLY. NO RECEIPT REQUIRED

DATE	DESCRIPTION	AMOUNT
9/7/04	PCT/US National Phase of PCT/US03/26793 980049.402USPC Richard MARTIN et al.	
100 117	Basic Fee (U.S. National/small entity) Oath/Declaration Surcharge	\$460 65 \$525
		\$525.00

CJR/cew

→ \$1,000

C92

165 20

C173

NON-NEGOTIABLE

254102

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC P/O ACCOUNT 1000 525 4900 701 5TH AVE, STE 600 SEATTLE, WA 98101-4200		EXPENSE 980049-4021550 29448	
ORDER OF PAY TO THE DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE		DATE: September 1, 2004	
FIVE HUNDRED TWENTY-FIVE THOUSAND NO. 00 DOLLARS Bank of America Commercial Banking Washington		\$ 525,000.00	
MICR LINE: ⑈029448⑈ ⑈1⑈ ⑈250000024⑈ ⑈69048817⑈		⑈0000052500⑈	

01/14 13	PAYMENT		9203	-\$5,305.00	\$20,171.00
01/14 63	60519107	290103.402P1	8021	\$40.00	\$20,131.00
01/14 106	10948095		9204	-\$210.00	\$20,341.00
01/14 110	10871542		9204	-\$210.00	\$20,551.00
01/14 112	10959716	852163.413	8021	\$40.00	\$20,511.00
01/14 126	10935723	130109.539	8021	\$40.00	\$20,471.00
01/14 652	76416396	860134.202	7004	\$150.00	\$20,321.00
01/14 661	78547369	220055.202	7001	\$335.00	\$19,986.00
01/14 683	78547381	790017.350	7001	\$335.00	\$19,651.00
01/14 685	78547384	790017.350	7001	\$335.00	\$19,316.00
01/14 693	78547387	790017.351	7001	\$335.00	\$18,981.00
01/14 714	78547399	790017.353	7001	\$335.00	\$18,646.00
01/14 715	78547400	790017.354	7001	\$335.00	\$18,311.00
01/14 718	78547404	790017.355	7001	\$335.00	\$17,976.00
01/18 13	10762121	480213.401	2252	\$215.00	\$17,761.00
01/18 67	PCT/US03/24545		9204	-\$99.00	\$17,860.00
01/18 71	10833228	130109.544C5	8021	\$40.00	\$17,820.00
01/18 79	10952549		9204	-\$210.00	\$18,030.00
01/18 138	78547895	790017.356	7001	\$335.00	\$17,695.00
01/18 143	78547898	790017.357	7001	\$335.00	\$17,360.00
01/18 149	78547903	790017.358	7001	\$335.00	\$17,025.00
01/18 160	78547907	790017.359	7001	\$335.00	\$16,690.00
01/18 169	78547912	790017.360	7001	\$335.00	\$16,355.00
01/18 195	60619741	870198.403P1	8021	\$40.00	\$16,315.00
01/18 477	75862257	480172.201	7003	\$100.00	\$16,215.00
01/18 619	10948095		8021	\$40.00	\$16,175.00
01/19 1	10506721	980049.402USPC	2615	\$11,070.00	\$5,105.00
01/19 2	10756203	854063.601C1	1201	\$86.00	\$5,019.00
01/19 2	10506721	980049.402USPC	2616	\$145.00	\$4,874.00
01/19 18	10952549	851063.491	8021	\$40.00	\$4,834.00
01/19 30	10963985	160062.405	8021	\$40.00	\$4,794.00
01/19 53	10964577		9204	-\$210.00	\$5,004.00
01/19 56	10935723		9204	-\$210.00	\$5,214.00
01/19 57	60675220	870198.401P1	8021	\$40.00	\$5,174.00
01/19 69	10927541		9204	-\$210.00	\$5,384.00
01/19 678	78234884	666005.20295	7004	\$150.00	\$5,234.00
01/21 28	10866939		9204	-\$210.00	\$5,444.00
01/21 35	10925884	851763.453	8021	\$40.00	\$5,404.00
01/21 42	10020867	660088.415	8021	\$40.00	\$5,364.00
01/21 88	60582743	740073.474P1	8021	\$40.00	\$5,324.00
01/21 106	10085119	660088.455	8021	\$40.00	\$5,284.00
01/21 576	76075674	663005.20064	7004	\$300.00	\$4,984.00
01/21 596	78033473	663005.20095	7004	\$150.00	\$4,834.00
01/21 611	78033475	663005.20097	7004	\$150.00	\$4,684.00
01/21 628	78033474	663005.20096	7004	\$150.00	\$4,534.00
01/21 658	78033471	663005.20094	7004	\$150.00	\$4,384.00

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